

BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF AMENDMENT,
24.156.1601, 24.156.1604, 24.156.1625,) ADOPTION, AND REPEAL
the adoption of NEW RULES I-VII, and)
the repeal of ARM 24.156.1603,)
24.156.1605, 24.156.1606, 24.156.1607,)
24.156.1608, 24.156.1609, 24.156.1610,)
24.156.1611, 24.156.1612, 24.156.1613,)
24.156.1614, and 24.156.1615,)
pertaining to physician assistant licensure)

To: All Concerned Persons

1. On February 23, 2006, the Board of Medical Examiners (board) published MAR Notice No. 24-156-63 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 483 of the 2006 Montana Administrative Register, issue no. 4.

2. On March 23, 2006, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules in Helena. Two members of the public spoke at the public hearing. In addition, one written comment was received by the March 31, 2006, deadline.

3. The board has thoroughly considered the comments and testimony received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: One written comment was received that asked for clarification of NEW RULE VI, Chart Review (3). Particularly, the commenter asked whether the supervising physician who reviews charts can dictate amendments, modifications, or guidance and then sign off, and/or whether the PA can document the comments, amendments, etc. and have the supervising physician sign off. The commenter also questioned whether the amendments, guidance, etc. are discoverable and whether the new requirements will create a substantial burden on physicians that may prevent them from supervising PAs in Montana.

RESPONSE 1: The board thanks this commenter for the close reading of the new rule. After considering these concerns, the board finds that the language of the new rule clearly allows a physician to sign off after dictating or after a physician assistant makes the amendments. The board commented that medical records have always been discoverable. This rule in no way changes that.

COMMENT 2: Two oral comments were made by physician assistants during the hearing. Both supported the new rules.

RESPONSE 2: The board thanks these physician assistants for their support of the new rules.

4. The board has amended ARM 24.156.1601, 24.156.1604, and 24.156.1625 exactly as proposed.

5. The board has adopted NEW RULE I (24.156.1617), NEW RULE II (24.156.1618), NEW RULE III (24.156.1620), NEW RULE IV (24.156.1621), NEW RULE V (24.156.1622), NEW RULE VI (24.156.1623), and NEW RULE VII (24.156.1624) exactly as proposed.

6. The board has repealed ARM 24.156.1603, 24.156.1605, 24.156.1606, 24.156.1607, 24.156.1608, 24.156.1609, 24.156.1610, 24.156.1611, 24.156.1612, 24.156.1613, 24.156.1614, and 24.156.1615 exactly as proposed.

BOARD OF MEDICAL EXAMINERS
MICHAEL LAPAN, DPM, PRESIDENT

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 31, 2006